

1 CUAUHTEMOC ORTEGA (Bar No. 257443)  
2 Federal Public Defender  
3 REBECCA ABEL (Bar No. 298604)  
(E Mail: [Rebecca\\_Abel@fd.org](mailto:Rebecca_Abel@fd.org))  
4 Deputy Federal Public Defender  
5 HAYLEY HUNTLEY (Bar. No. 351438)  
(E-mail: [Hayley\\_Huntley@fd.org](mailto:Hayley_Huntley@fd.org))  
321 East 2nd Street  
6 Los Angeles, California 90012-4202  
Telephone: (213) 894-2854  
Facsimile: (213) 894-0081

7 Attorneys for Defendant  
8 OSCAR J. GARCIA

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10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **WESTERN DIVISION**

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 OSCAR J. GARCIA,

17 Defendant.

18 Case No. CR 23-00470-AB

19 ***EX PARTE APPLICATION TO  
CONTINUE EVIDENTIARY  
HEARING ON ALLEGATIONS OF  
VIOLATIONS OF SUPERVISED  
RELEASE; PROPOSED ORDER***

20 [CURRENT] Hearing Date: March 1,  
21 2024 at 1:30 p.m.

22 [PROPOSED] Hearing Date: March 8,  
23 2024 at 1:30 p.m.

24 Defendant Oscar J. Garcia, by and through his counsel of record, Deputy Federal  
25 Public Defender Rebecca Abel and Public Interest Fellow Hayley Huntley, hereby  
26 applies ex parte for an order continuing the evidentiary hearing on two allegations of  
27 violations of supervised release from March 1, 2024 at 1:30 p.m. to March 8, 2024 at  
28 1:30 p.m. This application is based on the following facts:

29 1. The Court held a preliminary revocation of supervised release hearing on  
30 February 2, 2024, at which Defendant admitted allegations two and four as  
31 set forth in the Petition of Probation and Supervised Release, filed January

1 11, 2024. (Dkt. No. 16.) Defendant denied allegations one and three and  
2 requested an evidentiary hearing. (*Id.*)

3 2. The Court set the evidentiary hearing on allegations one and three for  
4 March 1, 2024 at 1:30 p.m. (*Id.*)

5 3. On Monday, February 26, 2024, via an email to the Court's clerk, the  
6 parties represented to the Court that they intended to go forward with the  
7 evidentiary hearing as scheduled on March 1, 2024.

8 4. On Tuesday, February 27, 2024, the defense learned that one of its key  
9 witnesses is unavailable at the date and time currently set for the  
10 evidentiary hearing due to work obligations that cannot be re-scheduled or  
11 missed. The witness represented to the defense that if they failed to attend  
12 work on Friday they would likely be fired. The witness is available on  
13 March 8, 2024.

14 5. The same day, defense counsel Rebecca M. Abel contacted government  
15 counsel Jason Gorn about requesting a continuance of the hearing date by  
16 one week to March 8, 2024. On February 28, 2024, Mr. Gorn responded,  
17 stating, "We have three witnesses under subpoena for Friday and I can't  
18 count on serving two new civilian subpoenas in a week. I also have a  
19 witness that has made childcare arrangements for Friday." The  
20 government proposes going forward with the government's case on March  
21 1, 2024 and continuing the defense's case to March 8, 2024.

22 6. The defense opposes the government's proposal as inefficient and  
23 potentially confusing.

24 7. On February 28, 2024, defense counsel communicated with assigned  
25 Probation Officer Carlos Reyes, who indicated he is available on the  
26 requested date.

For all these reasons, the defense respectfully request that the Court continue the final revocation hearing date by one week from March 1, 2024 at 1:30 p.m. to March 8, 2024 at 1:30 p.m.

Respectfully submitted,

# CUAUHTEMOC ORTEGA

## Federal Public Defender

DATED: February 28, 2024

By /s/ *Rebecca M. Abel*

REBECCA M. ABEL  
Deputy Federal Public Defender  
HAYLEY HUNTLEY  
Public Interest Fellow  
Attorneys for Oscar J. Garcia